

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CR-395-1BR
No. 5:16-CV-828-BR

CURTIS EUGENE ELLIS,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

In 2016, petitioner filed a second 28 U.S.C. § 2255. (DE # 72.) The court stayed the proceeding pending the Fourth Circuit Court of Appeals' disposition of petitioner's motion for authorization to file a second § 2255 motion. (DE # 75.) On 2 June 2021, the Fourth Circuit Court of Appeals denied petitioner's motion for such authorization. In re Ellis, No. 16-3088, DE # 11. As such, this court lacks jurisdiction to rule on the § 2255 motion, see 28 U.S.C. §§ 2244(b), 2255(h), and it is DISMISSED WITHOUT PREJUDICE. The court finds that petitioner has not made "a substantial showing of the denial of a constitutional right." Id. § 2253(c)(2). Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, a certificate of appealability is DENIED.

This 10 June 2021.



W. Earl Britt
Senior U.S. District Judge